

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE CEMENT MASONS)	
PENSION FUND, LOCAL 502; TRUSTEES)	
OF THE CEMENT MASONS INSTITUTE OF)	
CHICAGO, ILLINOIS; TRUSTEES OF THE)	
CEMENT MASONS SAVINGS FUND, LOCAL)	
502; and TRUSTEES OF THE CEMENT MASONS))	
APPRENTICE EDUCATION AND TRAINING)	
FUND, LOCAL 502,)	
)	
Plaintiffs)	
)	No. 08 C 2190
v.)	
)	Judge Lefkow
NORANNE CONCRETE, INC.,)	
)	Magistrate Judge Nolan
)	
Defendant.)	

MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, NORANNE CONCRETE, INC.

In support thereof, Plaintiffs state:

1. This case was filed on April 17, 2008.
2. Defendant was served with Summons and Complaint on April 28, 2008.
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the affidavit of Richard Wolf, Defendant owes Cement Masons Local 502 for the audit period May 1, 2007 through February 28, 2008 \$28,220.63 benefits, \$4,233.10 prior liquidated damages, \$2,848.55 liquidated damages, and \$600.00 audit costs for a total of \$35,902.28. (Exhibit A)

5. Per the affidavit of Donald Schwartz, attorney for Plaintiffs in legal fees and expenses \$1,300.00 has been incurred in this suit. (Exhibit B)

WHEREFORE, Plaintiffs pray for:

1. An Order of Default against the Defendant.
2. Judgment be rendered in the amount of \$37,202.28 for the Trustees of the Cement Masons Pension Fund Local 502, et. al.

Respectfully submitted,

**TRUSTEES OF THE CEMENT MASONS
PENSION FUND, LOCAL 502, et. al.**

By: s/ Donald D. Schwartz
One of their Attorneys

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, Illinois 60604
(312) 236-0415

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Plaintiffs)

v.)

NORANNE CONCRETE, INC.,)

Defendant.)

No. 08 C 2190

Judge Lefkow

Magistrate Judge Nolan

AFFIDAVIT

I, Richard J. Wolf, upon being first duly sworn, on oath deposes and states:

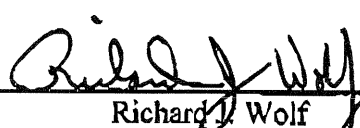
1. Affiant is President of the auditing firm of Richard J. Wolf & Company, Inc.
2. Our firm completed compliance audits for the Trustees of the Cement Masons Pension Fund Local 502, et. al., on NORANNE CONCRETE, INC. for the period May 1, 2007 through February 28, 2008.
3. The audit report found arrears owing to the Trustees of the Cement Masons Pension Fund Local 502, et. al., in the amount of \$28,220.63 benefits, \$4,233.10 prior liquidated damages, \$2,848.55 liquidated damages and \$600.00 audit costs for a total of \$35,902.28.

EXHIBIT A

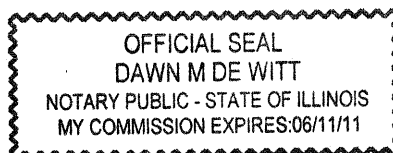
4. The total due the Plaintiffs including arrears, audit costs, and liquidated damages of 15 percent, but excluding attorney's fees and court costs is \$35,902.28 for Cement Masons Local 502, et. al.


5. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

FURTHER AFFIANT SAYETH NOT.


Richard J. Wolf

SUBSCRIBED AND SWORN to
before me this 18th day
of June, 2008




Notary Public

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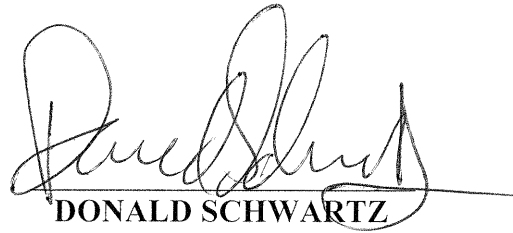
AFFIDAVIT

Donald D. Schwartz, upon being first duly sworn, on oath deposes and states:

1. Affiant is partner in the Law Firm Arnold & Kadjan handling this case.
2. Our firm has spent 5 hours in litigation in this matter.
3. Our normal rate is \$175.00 per hour.
4. Our firm charged the Cement Masons Pension Fund Local 502, et. al. \$875.00 in this matter.
5. Our firm charged \$350.00 for court filing fee and \$75.00 process fee.
6. Affiant is not currently suffering any infirmities and is competent to testify to all the foregoing.

EXHIBIT B

FURTHER AFFIANT SAYETH NOT.



DONALD SCHWARTZ

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JUDGMENT ORDER

THIS CAUSE coming on to be heard on Plaintiffs' Motion for Order of Default and Judgment in Sum Certain, all parties having been given due notice;

IT IS HEREBY ORDERED:

1. Judgment in the amount of \$37,202.28 is entered in favor of Plaintiffs, Trustees of the Cement Masons Pension Fund, Local 502, and against the Defendant, NORANNE CONCRETE, INC.

2. This is a final and appealable order.

DATED: _____

ENTER: _____

HONORABLE JUDGE LEFKOW

Donald D. Schwartz
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415